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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,762	08/19/2003	Satoshi Muramatsu	241749US3CONT	3011
22850	7590	07/16/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			GLEITZ, RYAN M	
			ART UNIT	PAPER NUMBER
			2852	

DATE MAILED: 07/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/642,762	Applicant(s) MURAMATSU ET AL.	
	Examiner Ryan Gleitz	Art Unit 2852	<i>Am</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004 and 15 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13,40,43 and 44 is/are allowed.
- 6) ☒ Claim(s) 9,10,12,14-16,18,20,22-25,29-31,33,35,37-39,41 and 42 is/are rejected.
- 7) ☒ Claim(s) 11,17,19,21,26-28,32,34 and 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10/281250.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

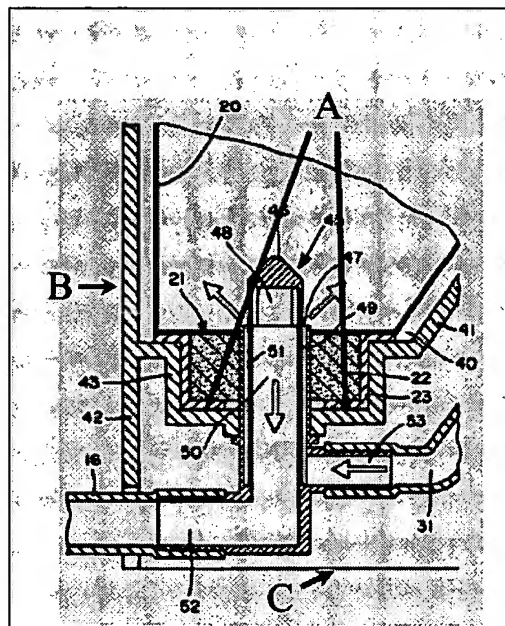
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9, 10, 12, 14-16, 18, 20, 22-25, 29-31, 33, 35, 37-39, 41, and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Kasahara et al. (JP 2000-227706).

Kasahara et al. disclose a developer container configured to be removably mounted to a body of an image forming apparatus. The developer container includes a toner storage container (20; abstract, line 7) and a set part (40; abstract, line 8).

The toner storage container (20) corresponds to a toner portion adapted to store toner, the toner portion (20) being made of a flexible film ([0051]).

The set part (40) corresponds to a mouth portion having a first wall (A) connected to a toner outlet passage of the toner portion (20), as shown in the figure to the right. The mouth portion has an outlet formed in a side wall (B). The mouth portion has a valve (21) for selectively opening and closing the outlet. The mouth portion has a second wall (C), which may



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be better illustrated by figure 7, opposite the first wall (A) and not including an outlet for the toner.

Regarding claims 10 and 25, the outlet in the side wall (B) of the mouth portion faces in a substantially horizontal direction when the developer container is mounted to the body.

Regarding claim 12, the valve (21) includes a shutter comprising a seal member formed of foam sponge ([0019], line 8) and closing the outlet, the seal member being formed with a slit (abstract, line 9) via which a nozzle (45; abstract, line 14) is capable of penetrating into the developer container.

Regarding claims 14, 15, 29, and 30, the outlet in the side wall (B) of the mouth portion faces a direction substantially perpendicular to the second wall (C) and first wall (A).

Regarding claims 16 and 31, the second wall (C) is flat.

Regarding claims 18 and 33, the developer container is mounted or dismounted substantially in a direction of gravity, the outlet of the mouth portion in side wall (B) being open in a substantially horizontal direction.

Regarding claims 22 and 37, an air pump (30; [0022]) is an air feeding means for feeding air under pressure into the developer container, and toner migration tube (16; [0018]) is a substantially hermetically sealed passage extending from the developer container to a position to which the toner should be replenished.

Regarding claims 41 and 42, the outlet in the side wall (B) of the mouth portion faces in a substantially horizontal direction when the developer container is mounted to the body.

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Regarding claims 20, 23, 35, 38, and 39 the toner portion (20) contains toner.

Allowable Subject Matter

Claims 13, 40, 43, and 44 are allowed.

Claims 11, 17, 19, 21, 26-28, 32, 34, and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments, see page 13, line 6 to page 14, line 13, filed 15 April 2004, with respect to the Kato et al. Reference and the Nagasaki et al. reference have been fully considered and are persuasive.

Applicant's arguments filed, see page 12, line 20 to page 13, line 5 have been fully considered but they are not persuasive. Applicant submits that the Kasahara et al. Reference does not disclose a mouth portion having a first wall connected to a toner outlet passage of a toner portion or means for storing toner, where the mouth portion has an outlet formed in a side wall thereof and a second wall opposite to the first wall, and where the second wall does not include an outlet for the toner. As shown in the figure and discussed above, Kasahara et al. do teach such a mouth portion as set part (40).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

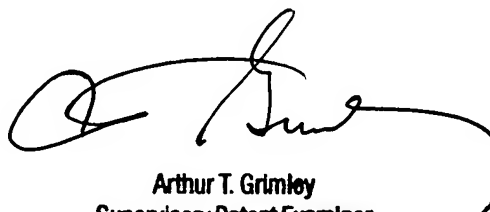
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Gleitz whose telephone number is (571) 272-2134. The examiner can normally be reached on Monday-Friday between 9:00AM and 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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